

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

DARRYL DUDLEY, #151365,
Plaintiff(s),

CASE NO.: 5:05-CV-60142-AA

vs.

HON. JOHN CORBETT O'MEARA
MAG. JUDGE WALLACE CAPEL, JR.

JOHN DOE "D.Richard" Prison Guard,
Defendant(s).

ORDER DENYING PLAINTIFF'S
EX-PARTE MOTION TO STAY ALL PROCEEDINGS

This matter is before the Court on the Plaintiff's "Ex-Parte Motion To Stay All Proceedings Because Defense Fraud Upon The Court," filed on May 24, 2006. In support of his motion, the Plaintiff states that after reviewing the Defendant's motion to dismiss, he is of the opinion that the Defendant has committed an act of fraud upon the Court. The Plaintiff however, does not indicate in this motion what that fraud may be. Nevertheless, a review of the pending motion to dismiss in the matter does not reveal that the Court is being deceived.

Having considered the motion and the reasons stated therein, the motion is hereby **DENIED**.

The parties are hereby informed that any objection to this order must be filed with the district court within 10 days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: May 30, 2006

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on **May 30, 2006**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: Diane M. Smith, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s) Darryl Dudley, #151365, Standish Maximum Correctional Facility, 4713 M-61, Standish, MI 48658

s/James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peltier@mied.uscourts.gov